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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,869	04/01/2004	Akinobu Sawada	040894-7022	5598
9629	7590	02/16/2006	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004				WENDELL, ANDREW
		ART UNIT		PAPER NUMBER
				2643

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/814,869	SAWADA, AKINOBU
	Examiner	Art Unit
	Andrew Wendell	2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 April 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Kudoh (US Pat Appl# 2002/0045440).

Regarding claim 1, Kudoh's control of synchronous display of melody information and different information on mobile communication terminal teaches a portable electronic apparatus (Section 0002) comprising control means including a CPU 1 and 2 (Fig. 1); a plurality of sensory output means 9, 11, and 13 (Fig. 1) for outputting human sensible information, and a plurality of controllers 1, 2, 10, and 12 (Fig. 1) for sensory means which output driving signals to the plurality of the sensory output means 9, 11, and 13 (Fig. 1) respective thereof upon receipt of an operation command signal sent from the control means 1 and 2 (Fig. 1), wherein the control means sends an operation command signal indicative of a specific phenomenon to the plurality of controllers for sensory means in common (Sections 0026-0028, and 0033-0034), and further wherein, each controller of the plurality of controllers for sensory means forms a driving signal that is unique for the each controller in connection with the operation command signal

indicative of the specific phenomenon (Sections 0026-0028, and 0033-0034), and output the driving signal to the sensory output means respective thereof, whereby the plurality of sensory output means carry out a synchronous operation there between (Sections 0026-0028, and 0033-0034).

Regarding claim 2, Kudoh teaches wherein the plurality of sensory output means include at least display means 11 (Fig. 1), voice output means 9 (Fig. 1) and vibrating means 13 (Fig. 1), and further wherein the plurality of controllers for sensory means include at least a display controller 10 (Fig. 1) for the display means, a voice controller 8 (Fig. 1) for the voice output means, and a vibration controller 12 (Fig. 1) for the vibrating means.

Regarding claim 3, Kudoh teaches a portable electronic apparatus (Section 0002) comprising control means including a CPU1 and 2 (Fig. 1); a plurality of sensory output means 9, 11, and 13 (Fig. 1) of first type to Nth type (N is an integer of 2 or more) for outputting human sensible information; a plurality of controllers 1, 2, 10, and 12 (Fig. 1) for sensory means which output driving signals to the plurality of the sensory output means respective thereof upon receipt of an operation command signal sent from the control means (Sections 0026-0028, and 0033-0034), and first phenomenon detecting means for generating an operation command signal that is indicative of a specific phenomenon from which a driving signal of the first controller 10 (Fig. 1) for sensory means is produced (Sections 0026-0028, and 0033-0034), the operation command signal being output to at least the second controller 12 (Fig. 1) for sensory means, wherein the control means sends an operation command signal

indicative of a specific phenomenon to the first controller for sensory means (Sections 0026-0028, and 0033-0034), whereby the first controller 10 (Fig. 1) for sensory means supplies a driving signal representing the specific phenomenon to the first sensory output means 11 (Fig. 1) further wherein at least the second controller 12 (Fig. 1) for sensory means forms another driving signal representing the specific phenomenon upon receipt of the operation command signal indicative of the specific phenomenon which is detected by the first phenomenon detecting means, the another driving signal being supplied to the driving signal representing the specific phenomenon to the second sensory output means, and at least the corresponding first and second sensory output means are operated synchronously there between (Sections 0026-0028, and 0033-0034).

Regarding claim 4, Kudoh teaches wherein the first sensory output means is display means 11 (Fig. 1), the second sensory output means is voice output means 9 (Fig. 1) or vibrating means 13 (Fig. 1), further wherein the first controller for sensory means is a display controller 10 (Fig. 1) for the display means, and the second controller for sensory means is a voice controller 8 (Fig. 1) for the voice output means or a vibration controller 12 (Fig. 1) for the vibrating means.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kudoh (US Pat Appl# 2002/0045440) in view of Ikeda et al. (US Pat Appl# 2004/0204064).

Regarding claim 5, Kudoh's control of synchronous display of melody information and different information on mobile communication terminal teaches the limitations in claims 3 and 4. Kudoh fails to teach an image pick-up means.

Ikeda et al. mobile telephone teaches image pick-up means 400 (Fig. 2) for supplying video data to the display controller 10 (Fig. 2), the first phenomenon detecting means detecting a specific phenomenon from a driving signal formed by the display controller 10 (Fig. 2) in connection with the video data transmitted from the image pick-up means 400 (Fig. 2), the specific phenomenon being detected based upon the video data so as to output an operation command signal indicative of the specific phenomenon to the voice controller 19 (Fig. 2) or the vibration controller 17 (Fig. 2) which serves as the second sensory controller, whereby another driving signal representing the specific phenomenon is supplied to the voice output means or the vibrating means respectively (Section 0028).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate an image pick-up means as taught by Ikeda et al. into Kudoh's control of synchronous display of melody information and different information on mobile communication terminal in order to have image pick up by a camera without out affection by folding of casings (Sections 0005-0006).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hayashi (US Pat# 6,963,761) teaches a system and method for sounding a music accompanied by light or vibration. Uriya (US Pat# 6,574,489) teaches incoming call notification method and device for multimode radio device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Wendell whose telephone number is 571-272-0557. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Andrew Wendell*

Patent Examiner

Date: 2/10/2006

*Duc Nguyen*  
DUC NGUYEN  
PRIMARY EXAMINER

ASW